

803 KAR 3:020. Election and certification of unit representatives.

RELATES TO: KRS 345.060(1)(b), 345.120

STATUTORY AUTHORITY: KRS 345.120(7)

NECESSITY, FUNCTION, AND CONFORMITY: The State Labor Relations Board is authorized by KRS 345.120(7) to promulgate uniform rules necessary to carry out its duties. This administrative regulation is to establish rules for the State Labor Relations Board regarding the election and certification of representatives for firefighting units to carry out the purpose and intent of the Firefighters Collective Bargaining Act.

Section 1. Scope. This chapter governs the general procedure relating to elections to determine a collective bargaining representative for all employees in a unit appropriate for that purpose.

Section 2. Petition for Election. (1) Who may file. A petition to determine a collective bargaining representative or an appropriate collective bargaining unit may be filed by an individual, or by a labor organization acting on their behalf, or by the municipal employer or anyone lawfully authorized to act on the behalf of at least thirty (30) percent of the employees who have signed affiliation cards on the union showing proof of representation.

(2) Form, number of copies. The petition shall be prepared on a form furnished by the board and the original and five (5) copies thereof shall be signed and filed with the board.

(3) Contents. The petition shall include the following:

(a) The name, address and affiliation, if any, of the petitioner, and the name and telephone number of its principal representative.

(b) The name and address of the municipal employer involved, if the municipal employer is not the petitioner, and the name and telephone number of its principal representative.

(c) A description of the claimed appropriate collective bargaining unit specifying inclusions and exclusions, as well as the approximate number of supervisors in the unit.

(d) The names and addresses of any known labor organization who claim to represent firefighter personnel in the claimed appropriate collective bargaining unit.

(e) A brief statement setting forth the nature of the question that has arisen concerning representation.

(f) Any other relevant facts.

Section 3. Elections. (1) Who shall conduct; extension of time for; method. All elections shall be conducted under the supervision of the board, which may extend the time within which any election shall be held. All elections shall be by secret ballot.

(2) Observers. Any party may be represented by observers, selected in accordance with such limitations as the board may prescribe.

(3) Challenge of voters. Any observer or board agent conducting the election may challenge, for good cause, the eligibility of any person to vote in the election. The ballots of such challenged person shall be impounded.

(4) Count and tally of ballots. Upon the conclusion of the election, the ballots shall be counted in the presence of and with the assistance of, the parties or their observers, and the board agent conducting the election shall cause to be furnished to the parties a tally of ballots.

(5) Inconclusive elections.

(a) When conducted and procedure. When more than one (1) proposed representative appears on the ballot and the results are inconclusive the Board shall conduct a run-off election as prescribed in KRS 345.060(3).

(b) Eligibility. The board may in its direction of run-off, in its discretion, maintain the same eligibility

date or establish a new eligibility date.

Section 4. Certification of Results of Election. If challenged ballots are insufficient in number to affect the results, and if no run-off election is to be held and no timely objections are filed as provided below, the board shall forthwith issue to the parties a certification of the results of the election.

Section 5. Objection to Election. (1) Filing; forms; copies. Within five (5) days after the tally of ballots has been furnished, any party may file with the board objections to the conduct of the election or conduct affecting the results of the election. Such objections shall be in writing and shall contain a brief statement of facts upon which the objections are based. An original and five (5) copies of such objections shall be signed and filed with the board, the original being sworn to.

(2) Service on other parties. The party filing such objections shall at the same time serve a copy upon each of the other parties.

Section 6. Hearing on Challenges or Objections. If challenges, which affect the results of the election, or objections raise a substantial question which cannot be resolved without a hearing, the board may issue and serve a notice of hearing on said issues:

(1) Hearing procedure. The rules relating to conduct of hearings on election petitions shall govern hearing on challenges or objections.

(2) Board action. After the close of the hearing, the board may proceed either forthwith upon the record, or after, oral argument or the submission of briefs, as it may deem proper, to determine issues with regard to the challenges or objections, as the case may be, either sustaining or overruling the challenges to objections:

(a) If the board directs that challenged ballots be opened and counted, said ballots shall be opened and counted, and the board shall issue a revised tally and shall forthwith issue a certification of election.

(b) If the board should sustain the objections it may direct a new election to be held at such time and under such circumstance and conditions it deems appropriate.

(c) If the board should overrule the objections it shall forthwith issue a certification of the election. (3 Ky.R. 422; Am. 687; eff. 4-6-77; Crt eff. 2-26-2020.)